

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# SENATE BILL 1187

## AN ACT

AMENDING SECTION 12-108, ARIZONA REVISED STATUTES; REPEALING SECTION 12-116, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 369, SECTION 2; AMENDING SECTIONS 12-119.01, 12-121 AND 12-267, ARIZONA REVISED STATUTES; AMENDING SECTION 12-284, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 80, SECTION 5; AMENDING SECTIONS 13-902 AND 22-281, ARIZONA REVISED STATUTES; AMENDING SECTION 28-3396, ARIZONA REVISED STATUTES; AMENDING SECTION 38-810, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2008, CHAPTER 80, SECTION 10; AMENDING TITLE 41, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-705; AMENDING SECTION 41-1771, ARIZONA REVISED STATUTES; AMENDING LAWS 2000, CHAPTER 193, SECTION 598, AS AMENDED BY LAWS 2001, CHAPTER 8, SECTION 2, LAWS 2002, CHAPTER 291, SECTION 17, LAWS 2004, CHAPTER 69, SECTION 5 AND LAWS 2006, CHAPTER 369, SECTION 12; AMENDING LAWS 2000, CHAPTER 193, SECTION 599, AS AMENDED BY LAWS 2001, CHAPTER 8, SECTION 3, LAWS 2002, CHAPTER 291, SECTION 18, LAWS 2004, CHAPTER 69, SECTION 6 AND LAWS 2006, CHAPTER 369, SECTION 13; RELATING TO CRIMINAL JUSTICE BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-108, Arizona Revised Statutes, is amended to  
3 read:

4 12-108. Reports of decisions; publication; distribution

5 A. The supreme court may contract with the person who agrees to  
6 publish and sell the report of decisions on terms most advantageous to the  
7 state. The contractor shall agree to publish at the contract price the  
8 number of volumes as the supreme court may require. ~~and to deliver the~~  
9 ~~volumes as follows:~~

10 ~~1. To the Arizona state library, archives and public records the~~  
11 ~~number of copies necessary for its use and for exchange with the libraries of~~  
12 ~~other states and countries.~~

13 ~~2. To the law library of the university of Arizona the number of~~  
14 ~~copies necessary for its use and for exchange with the law libraries of other~~  
15 ~~states and countries.~~

16 ~~3. To the law library of Arizona state university the number of copies~~  
17 ~~necessary for its use and for exchange with the law libraries of other states~~  
18 ~~and countries.~~

19 ~~4. To each supreme court justice, court of appeals judge, superior~~  
20 ~~court judge, the clerk of each court, the county attorney and the reporter of~~  
21 ~~decisions of the supreme court, one copy.~~

22 ~~5. To the law library of each county, two copies.~~

23 ~~6. To the department of law, thirty copies.~~

24 ~~7. To the corporation commission, two copies.~~

25 ~~8. To the industrial commission, seven copies.~~

26 ~~9. To the department of public safety, two copies.~~

27 B. ~~All other agencies, boards, commissions and departments of the~~  
28 ~~state~~ ANY ENTITY may request from the contractor ~~additional~~ ANY NUMBER OF  
29 volumes, which shall be published and delivered at the contract price to be  
30 paid for by the requesting entity.

31 C. Volumes that are delivered to a person on account of the office  
32 held by that person remain the property of this state and shall have stamped  
33 or written on them the name of the office and shall be kept for the use of  
34 the office.

35 ~~D. Subject to the availability of funds, the cost of publishing~~  
36 ~~reports of decisions shall be paid from the appropriation to the supreme~~  
37 ~~court. Each entity receiving a volume shall pay the cost of delivery.~~

38 Sec. 2. Repeal

39 Section 12-116, Arizona Revised Statutes, as amended by Laws 2006,  
40 chapter 369, section 2, is repealed.

41 Sec. 3. Section 12-119.01, Arizona Revised Statutes, is amended to  
42 read:

43 12-119.01. Supreme court fees; distribution

44 A. Except as otherwise provided by law, fees for the supreme court  
45 shall be established and classified as follows:

1	Class	Description	Fee
2	A	Initial case filing fee	
3		Petitions for review	
4		and cross petitions for	
5		Review	\$ 140.00
6		Direct appeals and cross	
7		appeal appellant	140.00
8		Special actions petitioner	140.00
9	B	Subsequent case filing fee	
10		Intervenors direct appeals	
11		and special action	\$ 70.00
12		Direct appeals appellee	70.00
13		Special actions respondent	70.00
14		Response to petition	
15		for review	70.00
16	E	Minimum clerk fee	
17		Certifications alone	\$ 17.00
18		Certificate of good standing	
19		Certificates	17.00
20	F	Per page fee	
21		Copies - each page	\$ .50
22	G	Special fees	
23		New and duplicate certificates	\$ 35.00

24 B. The clerk of the supreme court shall deposit, pursuant to sections  
 25 35-146 and 35-147, all of the monies collected pursuant to subsection A of  
 26 this section as follows:

27 1. 27.78 per cent in the judicial collection enhancement fund  
 28 established by section 12-113.

29 2. 26.00 per cent with the state treasurer for transmission to the  
 30 elected officials' retirement plan fund established by section 38-802. The  
 31 monies shall be transmitted by the state treasurer to the fund pursuant to  
 32 section 38-810.

33 3. 46.22 per cent in the state general fund.

34 C. THE SUPREME COURT MAY INCREASE THE CLASS A AND B FEES PRESCRIBED IN  
 35 SUBSECTION A OF THIS SECTION.

36 Sec. 4. Section 12-121, Arizona Revised Statutes, is amended to read:

37 12-121. Number of judges; petition for approval of additional  
 38 judges

39 A. In each county of the state there shall be a superior court for  
 40 which at least one judge shall be elected. ~~In each county having a census~~  
 41 ~~enumeration greater than thirty thousand inhabitants, and upon~~ ON petition by  
 42 the board of supervisors of ~~such~~ THE county to the governor and ~~his~~ ON THE  
 43 GOVERNOR'S approval ~~thereof~~ OF THE PETITION, ~~there shall be~~ an additional  
 44 judge OR JUDGES ~~of the superior court for each thirty thousand inhabitants,~~  
 45 ~~or majority fraction thereof, or the additional judge of the superior court~~

1 ~~may~~ SHALL be authorized, ~~based on the procedure prescribed by the terms of~~  
2 ~~subsections B and C~~ BUT THE NUMBER OF JUDGES AUTHORIZED SHALL NOT EXCEED ONE  
3 JUDGE FOR EACH THIRTY THOUSAND INHABITANTS OR MAJORITY FRACTION THEREOF.

4 ~~B. Upon petition by the board of supervisors of a county to the~~  
5 ~~governor and his approval thereof, there shall be an additional judge of the~~  
6 ~~superior court provided that the board of supervisors has determined, as~~  
7 ~~prescribed in subsection C, that the county has acquired since the last~~  
8 ~~census enumeration the required number of inhabitants for an additional judge~~  
9 ~~as provided in subsection A.~~

10 ~~C. The determination of the board of supervisors shall be based on,~~  
11 ~~but not limited to, recent estimates of population, if any, of any area~~  
12 ~~within the county issued by the bureau of the census, auto registrations,~~  
13 ~~nonagricultural employment, gross utility revenues and retail sales.~~

14 ~~D.~~ B. Additional judges authorized by ~~the terms of~~ this section shall  
15 be appointed or elected as provided by law.

16 Sec. 5. Section 12-267, Arizona Revised Statutes, is amended to read:

17 12-267. Adult probation services fund; accounts; expenditure  
18 plan; use

19 A. The board of supervisors shall designate a chief fiscal officer who  
20 shall establish and administer an adult probation services fund consisting  
21 of:

22 1. County general fund appropriations for adult probation.

23 2. State appropriations for adult probation including:

24 (a) Monies for adult probation officers authorized by article 6 of  
25 this chapter.

26 (b) Monies for state aid for adult probation services authorized by  
27 this article.

28 (c) Monies for adult community punishment programs established  
29 pursuant to article 11 of this chapter.

30 (d) Monies for adult intensive probation pursuant to title 13,  
31 chapter 9.

32 3. Probation fees collected pursuant to section 13-901 **AND SECTION**  
33 **13-902, SUBSECTION G.**

34 4. Federal monies provided for adult probation.

35 5. Adult probation monies from any other source.

36 B. The chief fiscal officer shall establish and maintain separate  
37 accounts in the fund showing receipts and expenditures of monies from each  
38 source listed in subsection A of this section. The presiding judge of the  
39 superior court shall annually present to the board of supervisors for  
40 approval a detailed expenditure plan for the adult probation services fund  
41 accounts. Any modifications to the expenditure plan affecting state  
42 appropriations shall be made in accordance with the rules and procedures  
43 established by the supreme court. Any modifications to the expenditure plan  
44 affecting county appropriated funds shall be made in accordance with the  
45 policies established by the county. The chief fiscal officer shall disburse

monies from the fund accounts only at the direction of the presiding judge of the superior court. The chief fiscal officer of each county ~~shall~~, on or before August 31 of each year for the preceding fiscal year, **SHALL** submit an annual report to the supreme court showing the total amount of receipts and expenditures in each account of the adult probation services fund.

C. The state monies in the adult probation services fund, **AND PROBATION FEES COLLECTED PURSUANT TO SECTION 13-901 AND SECTION 13-902, SUBSECTION G**, shall be used in accordance with guidelines established by the supreme court or the granting authority.

D. State monies expended from the adult probation services fund shall be used to supplement, not supplant, county appropriations for the superior court adult probation department.

E. Up to twenty-five thousand dollars annually deposited in the adult probation services fund shall be used to pay the annual assessment on member states of the interstate compact for the supervision of adult offenders established in section 31-467, **ARTICLE X**, subsection B.

F. County monies in the adult probation services fund shall be used in accordance with the fiscal policies and procedures established by the board of supervisors.

**G. THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL PERIODICALLY CHARGE EACH LOCAL PROBATION FEES ACCOUNT AN AMOUNT ESTABLISHED ANNUALLY BY THE SUPREME COURT TO COVER A PROPORTIONAL SHARE OF THE COST OF MONITORING DEVICES REQUIRED PURSUANT TO SECTION 13-902, SUBSECTION G CONSISTENT WITH GUIDELINES ESTABLISHED TO IMPLEMENT SECTION 13-902, SUBSECTION G.**

Sec. 6. Section 12-284, Arizona Revised Statutes, as amended by Laws 2008, chapter 80, section 5, is amended to read:

**12-284. Fees**

A. Except as otherwise provided by law, the clerk of the superior court shall receive fees classified as follows:

Class	Description	Fee
A	Initial case filing fee	
	Tax case	<del>115.00</del> 166.00
	Filing complaint or petition	<del>115.00</del> 166.00
	Filing intervenor	<del>115.00</del> 166.00
	Additional plaintiffs	<del>115.00</del> 166.00
	Filing foreign judgment	<del>115.00</del> 166.00
	Ownership of real property becomes an issue plaintiff	<del>115.00</del> 166.00
	Appellant (except under sections 12-1809 and 13-3602)	<del>115.00</del> 166.00
	Change of venue to this county	<del>115.00</del> 166.00
	Petition for change of name	<del>115.00</del> 166.00
	Filing a process server application	<del>115.00</del> 166.00

1	B	Subsequent case filing fee		
2		Filing answer or initial appearance	\$	<del>61.00</del> 88.00
3		Additional defendants		<del>61.00</del> 88.00
4		Notice of appeal to appellate courts		
5		(except under section 12-2107)		<del>61.00</del> 88.00
6		Cross-appeal by appellee (except under section		
7		12-2107)		<del>61.00</del> 88.00
8		Ownership of real property becomes an		
9		issue defendant		<del>61.00</del> 88.00
10		Jurisdiction exceeded appellee		
11		(within 20 days of filing)		<del>61.00</del> 88.00
12		Response to show cause that does one or more		
13		of the following:		
14		1. Requests affirmative relief or		
15		counterrelief		
16		2. Attacks the sufficiency of process		
17		or the proceedings		
18		3. Takes other affirmative action		<del>61.00</del> 88.00
19	C	Initial case filing fee		
20		Filing petition for annulment	\$	<del>91.00</del> 131.00
21		Filing for dissolution/legal separation petition		<del>91.00</del> 131.00
22		Petition in formal testacy or appointment		
23		proceeding		<del>91.00</del> 131.00
24		Application for informal probate or informal		
25		appointment		<del>91.00</del> 131.00
26		Petition for supervised administration petition		
27		to appoint guardian		<del>91.00</del> 131.00
28		Petition to appoint conservator or make other		
29		protective order		<del>91.00</del> 131.00
30		Opposing petition in testacy or appointment		
31		proceedings or appointment of guardian or		
32		conservator		<del>91.00</del> 131.00
33		Single estate application or petition under		
34		title 14, chapter 3, section 14-3938		<del>91.00</del> 131.00
35		Domestic relations case for which a fee is not		
36		specifically prescribed		<del>91.00</del> 131.00
37	D	Subsequent case filing fee		
38		Filing answer to annulment	\$	<del>46.00</del> 66.00
39		Filing for dissolution/legal separation answer		<del>46.00</del> 66.00
40		Any person opposing contested petition if no		
41		prior payment made		<del>46.00</del> 66.00
42		Postadjudication petitions in		
43		domestic relations cases		<del>46.00</del> 66.00
44		Postjudgment activities in probate cases		<del>46.00</del> 66.00

1	E	Minimum clerk fee		
2		Filing power of attorney	\$	<del>18.00</del> 26.00
3		Change of venue to another county transmittal		
4		fee		<del>18.00</del> 26.00
5		Change of venue to another county pursuant to		
6		section 12-404 transmittal fee		<del>18.00</del> 26.00
7		Filing transcript and docketing judgment from		
8		any courts		<del>18.00</del> 26.00
9		Issuance of writs of: attachment, execution,		
10		possession, restitution, prohibition and		
11		enforcement of order of judgment-garnishment		<del>18.00</del> 26.00
12		Certified copy or abstract of marriage		
13		application or license		<del>18.00</del> 26.00
14		Certificate of correctness of copy of record		<del>18.00</del> 26.00
15		Justice of peace certificate		<del>18.00</del> 26.00
16		Each certificate of clerk to any matter in		
17		clerk's record not specifically provided		<del>18.00</del> 26.00
18		Filing any paper or performing any act for which		
19		a fee is not specifically prescribed		<del>18.00</del> 26.00
20		Subpoena - (civil)		<del>18.00</del> 26.00
21		Research in locating a document (per year or		
22		source researched)		<del>18.00</del> 26.00
23		Exemplification (per certification)		<del>18.00</del> 26.00
24		Authentication (per certification)		<del>18.00</del> 26.00
25		Seal a court file		<del>18.00</del> 26.00
26		Reopen a sealed court file		<del>18.00</del> 26.00
27		Retrieve bank records		<del>18.00</del> 26.00
28		Reel of film alpha index per year (plus per		
29		page fee below)		<del>18.00</del> 26.00
30		Payment history report		<del>18.00</del> 26.00
31		Certification under one document certification		<del>18.00</del> 26.00
32		Civil traffic appeal		<del>18.00</del> 26.00
33	F	Per page fee		
34		Making copies (on appeal and on request)		
35		per page	\$	.50
36		Making extra copies per page		.50
37		Making photographic or photostatic copies		
38		per page		.50
39		Comparison fee of papers furnished by applicant		
40		per page		.50
41		Alpha index per page		.50
42	G	Special fees		
43		Small claim tax case	\$	<del>15.00</del> 22.00
44		Marriage license and return of a		
45		marriage license		<del>50.00</del> 72.00

1	Postage and handling	<del>5.00</del>	7.00
2	Notary services	<del>5.00</del>	7.00
3	Stop payment on check	<del>10.00</del>	14.00

4 B. The clerk of the superior court shall receive the fees prescribed  
5 in subsection A of this section for the following services:

6 1. Making copies of papers and records required to be made by the  
7 clerk on appeal, and copies of papers and records in the clerk's office made  
8 on request in other cases, for each legal size page of original.

9 2. Making extra copies of the papers and records mentioned in  
10 paragraph 1 of this subsection, required or requested for each page of copy  
11 of such papers and records.

12 3. In a clerk's office, in which a photographic or photostatic method  
13 of recording is used or is available for use in cooperation with other public  
14 offices, preparing copies enumerated in paragraphs 1 and 2 of this subsection  
15 for each page of copy or fraction of a page of copy. Portions of several  
16 pages of records may be combined in one page of copy. The clerk may prepare  
17 an abstract of marriage in lieu of a reproduction of the recorded marriage  
18 license. The fee shall apply to matters whether recorded in such office by  
19 longhand, typing, electronic, photographic or photostatic methods. The fees  
20 for copies are exclusive of the fees for certification or authentication.

21 4. Issuing a certificate as to official capacity of a justice of the  
22 peace and affixing a seal to the certificate.

23 5. Each subpoena issued in a civil proceeding or filing any paper or  
24 performing any act for which a fee is not specifically prescribed by law, but  
25 the clerk shall not charge for the clerk's services in administering the oath  
26 in connection with any affidavit, petition, letters or other pleading or  
27 document which, after administration of the oath therefor, is promptly filed  
28 by the clerk and becomes a part of a case or matter of record in the office  
29 of the clerk.

30 C. In addition to the fees required by subsection A of this section,  
31 the clerk shall charge and collect a surcharge of fifteen dollars for each  
32 filing of a postadjudication petition in a domestic relations case for which  
33 a fee presently is charged under class D in subsection A of this section.  
34 The surcharge shall be used exclusively to fund domestic relations education  
35 and mediation programs established pursuant to section 25-413. Each month  
36 the clerk shall transmit the monies the clerk collects pursuant to this  
37 subsection to the county treasurer for deposit in the domestic relations  
38 education and mediation fund established by section 25-413.

39 D. Excluding the monies that are collected pursuant to subsection C of  
40 this section, each month the clerk shall transmit seventy-five per cent of  
41 the monies collected for subsequent case filing fees for postadjudication  
42 petitions in domestic relations cases under class D in subsection A of this  
43 section to the county treasurer for deposit in the expedited child support  
44 and parenting time fund established pursuant to section 25-412. The

1 remaining twenty-five per cent of the monies collected pursuant to this  
2 subsection shall be distributed pursuant to section 12-284.03.

3 E. At the commencement of each action for annulment, dissolution of  
4 marriage, legal separation, maternity or paternity, the petitioner shall pay  
5 to the clerk of the court the initial case filing fee for the action provided  
6 in subsection A of this section. At the time of filing a response, the  
7 respondent shall pay to the clerk of the court the subsequent case filing fee  
8 for the action provided in subsection A of this section. In each county  
9 where the superior court has established a conciliation court, the petitioner  
10 and respondent shall each pay to the clerk a sixty-five dollar fee. The  
11 monies from the additional fee shall be used to carry out the purposes of the  
12 conciliation court pursuant to title 25, chapter 3, article 7.

13 F. In garnishment matters:

14 1. A fee shall not be charged for filing an affidavit seeking only the  
15 release of exempt wages.

16 2. A fee shall not be charged for filing a garnishee's answer, for  
17 filing a judgment against the garnishee or for the issuance or return of  
18 process incident to such a judgment.

19 3. For any contest relating to or any controversion of a garnishment  
20 matter, unless the contesting party has paid an appearance fee in that cause,  
21 the required appearance fee shall be paid, except that the garnishee shall  
22 not pay a clerk's fee.

23 G. A person who is cited to appear and defend an order to show cause  
24 shall not be charged an appearance fee. The person may stipulate to or  
25 consent to the entry of an order without the payment of an appearance  
26 fee. An appearance fee shall be paid if the person is present in person or  
27 by an attorney and does one or more of the following:

28 1. Requests affirmative relief or counterrelief.

29 2. Attacks the sufficiency of process or the proceedings.

30 3. Takes other affirmative action.

31 H. A petitioner shall not be charged a fee for requesting an order of  
32 protection pursuant to section 13-3602 or an injunction against harassment  
33 pursuant to section 12-1809. A defendant shall not be charged an answer fee  
34 in an order of protection action if the defendant requests a hearing pursuant  
35 to section 13-3602, subsection I or in an injunction against harassment  
36 action if the defendant requests a hearing pursuant to section 12-1809,  
37 subsection H.

38 I. A person who files a registrar's order pursuant to section  
39 32-1166.06 shall not be charged a fee.

40 J. The clerk of the court shall charge and collect a forty-six dollar  
41 filing fee for a petition for emancipation of a minor filed pursuant to  
42 chapter 15 of this title. Each month the clerk shall transmit the monies the  
43 clerk collects pursuant to this subsection to the county treasurer for  
44 deposit in the emancipation administrative costs fund established by section  
45 12-2456.

1 K. Except for monies that are collected pursuant to subsections C, D,  
2 E and J of this section, the clerk of the superior court shall transmit  
3 monthly to the county treasurer all monies collected pursuant to this section  
4 for distribution or deposit pursuant to section 12-284.03.

5 L. THE SUPREME COURT MAY INCREASE THE FEES PRESCRIBED IN SUBSECTION A  
6 OF THIS SECTION IN AN AMOUNT NOT TO EXCEED THE PER CENT OF CHANGE IN THE  
7 AVERAGE CONSUMER PRICE INDEX AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF  
8 LABOR, BUREAU OF LABOR STATISTICS BETWEEN THAT FIGURE FOR THE LATEST CALENDAR  
9 YEAR AND THE CALENDAR YEAR IN WHICH THE LAST FEE INCREASE OCCURRED.

10 Sec. 7. Section 13-902, Arizona Revised Statutes, is amended to read:

11 13-902. Periods of probation; monitoring; fees

12 A. Unless terminated sooner, probation may continue for the following  
13 periods:

- 14 1. For a class 2 felony, seven years.
- 15 2. For a class 3 felony, five years.
- 16 3. For a class 4 felony, four years.
- 17 4. For a class 5 or 6 felony, three years.
- 18 5. For a class 1 misdemeanor, three years.
- 19 6. For a class 2 misdemeanor, two years.
- 20 7. For a class 3 misdemeanor, one year.

21 B. Notwithstanding subsection A of this section, unless terminated  
22 sooner, probation may continue for the following periods:

- 23 1. For a violation of section 28-1381 or 28-1382, five years.
- 24 2. For a violation of section 28-1383, ten years.

25 C. When the court has required, as a condition of probation, that the  
26 defendant make restitution for any economic loss related to the defendant's  
27 offense and that condition has not been satisfied, the court at any time  
28 before the termination or expiration of probation may extend the period  
29 within the following limits:

- 30 1. For a felony, not more than five years.
- 31 2. For a misdemeanor, not more than two years.

32 D. Notwithstanding any other provision of law, justice courts and  
33 municipal courts may impose the probation periods specified in subsection A,  
34 paragraphs 5, 6 and 7 and subsection B, paragraph 1 of this section.

35 E. After conviction of a felony offense or an attempt to commit any  
36 offense that is included in chapter 14 or 35.1 of this title or section  
37 13-2308.01, 13-2923 or 13-3623, if probation is available, probation may  
38 continue for a term of not less than the term that is specified in subsection  
39 A of this section up to and including life and that the court believes is  
40 appropriate for the ends of justice.

41 F. After conviction of a violation of section 13-3824, subsection A,  
42 if a term of probation is imposed and the offense for which the person was  
43 required to register was a felony, probation may continue for a term of not  
44 less than the term that is specified in subsection A of this section up to

and including life and that the court believes is appropriate for the ends of justice.

G. ~~Beginning November 1, 2006,~~ After conviction of a dangerous crime against children as defined in section 13-604.01, if a term of probation is imposed, the court shall require global position system monitoring for the duration of the term of probation. ~~THE COURT MAY IMPOSE A FEE ON THE PROBATIONER TO OFFSET THE COST OF THE MONITORING DEVICE REQUIRED BY THIS SUBSECTION. THE FEE SHALL BE DEPOSITED IN THE ADULT PROBATION SERVICES FUND PURSUANT TO SECTION 12-267, SUBSECTION A, PARAGRAPH 3.~~

Sec. 8. Section 22-281, Arizona Revised Statutes, is amended to read:

~~22-281.~~ Fees and deposits

A. Justices of the peace shall receive fees established and classified as follows in civil actions:

Class	Description	Fee
A	Initial case filing fee	
	Civil filing fees	\$ <del>45.00</del> 65.00
B	Subsequent case filing fee	
	Civil filing fees - defendant	\$ <del>24.00</del> 35.00
C	Initial case filing fee	
	Forcible entry and detainer filings	\$ <del>21.00</del> 24.00
	Small claims filing	<del>16.00</del> 23.00
D	Subsequent case filing fee	
	Small claims answer	\$ <del>9.00</del> 13.00
	Forcible entry and detainer filings - defendant	<del>11.00</del> 16.00
E	Minimum clerk fee	
	Document and transcript transfer on appeal	\$ <del>17.00</del> 24.00
	Certification of any documents	<del>17.00</del> 24.00
	Issuance of writs	<del>17.00</del> 20.00
	Filing any paper or performing any act for which a fee is not specifically prescribed	<del>17.00</del> 24.00
	Subpoena (civil)	<del>17.00</del> 24.00
	Research in locating a document	<del>17.00</del> 24.00
	Seal a court file	<del>17.00</del> 24.00
	Reopen a sealed court file	<del>17.00</del> 24.00
	Record duplication	<del>17.00</del> 24.00
F	Per page fee	
	Copies of any documents per page	\$ 0.50
G	Special fees	
	Small claims service by mail	\$ 8.00

B. This section does not deprive the parties to the action of the privilege of depositing amounts with the justice, in addition to those set forth in this section, for use in connection with the payment of constable's and sheriff's fees for service of process, levying of writs and other services for which fees are otherwise provided by law.

1 C. Excluding the monies that are kept by the court pursuant to  
2 subsection D of this section, justices of the peace shall transmit monthly to  
3 the county treasurer all monies collected pursuant to subsection A of this  
4 section. The county treasurer shall distribute or deposit all of the monies  
5 received pursuant to this subsection as follows:

6 1. ~~18.39 per cent~~ To the state treasurer for deposit in the judicial  
7 collection enhancement fund established by section 12-113~~—~~, IN THE FOLLOWING  
8 PERCENTAGES:

9 (a) 14.02 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH  
10 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

11 (b) 15.58 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH  
12 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

13 2. ~~2.42 per cent~~ To the state treasurer for deposit in the alternative  
14 dispute resolution fund established by section 12-135~~—~~, IN THE FOLLOWING  
15 PERCENTAGES:

16 (a) 1.84 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH  
17 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

18 (b) 2.05 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH  
19 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

20 3. TO THE ELECTED OFFICIALS' RETIREMENT PLAN FUND ESTABLISHED BY  
21 SECTION 38-802, EITHER OF THE FOLLOWING PERCENTAGES, WHICH SHALL BE  
22 DISTRIBUTED TO THE FUND PURSUANT TO SECTION 38-810:

23 (a) 23.79 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH  
24 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

25 (b) 15.30 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH  
26 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

27 ~~3.~~ 4. ~~71.15 per cent~~ To the county general fund~~—~~, IN THE FOLLOWING  
28 PERCENTAGES:

29 (a) 54.22 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH  
30 A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PERSONS.

31 (b) 60.26 PER CENT IF THE COUNTY TREASURER IS SERVING IN A COUNTY WITH  
32 A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR LESS.

33 D. ~~8.04~~ IN COUNTIES WITH A POPULATION OF MORE THAN FIVE HUNDRED  
34 THOUSAND PERSONS, 6.13 per cent of the monies transmitted pursuant to  
35 subsection C of this section shall be kept and used by the court collecting  
36 the fees in the same manner as the seven dollars of the time payment fee  
37 prescribed by section 12-116, subsection B.

38 E. IN COUNTIES WITH A POPULATION OF FIVE HUNDRED THOUSAND PERSONS OR  
39 LESS, 6.81 PER CENT OF THE MONIES TRANSMITTED PURSUANT TO SUBSECTION C OF  
40 THIS SECTION SHALL BE KEPT AND USED BY THE COURT COLLECTING THE FEES IN THE  
41 SAME MANNER AS THE SEVEN DOLLARS OF THE TIME PAYMENT FEE PRESCRIBED BY  
42 SECTION 12-116, SUBSECTION B.

43 F. THE SUPREME COURT MAY INCREASE THE FEES PRESCRIBED IN SUBSECTION A  
44 OF THIS SECTION IN AN AMOUNT NOT TO EXCEED THE PER CENT OF CHANGE IN THE  
45 AVERAGE CONSUMER PRICE INDEX AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF

LABOR, BUREAU OF LABOR STATISTICS BETWEEN THAT FIGURE FOR THE LATEST CALENDAR YEAR AND THE CALENDAR YEAR IN WHICH THE LAST FEE INCREASE OCCURRED.

G. THE SUPREME COURT MAY INCREASE THE INITIAL FILING FEE FOR FORCIBLE ENTRY AND DETAINER BY THREE DOLLARS IN 2010 AND THREE DOLLARS IN 2011. THE SUPREME COURT MAY INCREASE THE FEE FOR AN ISSUANCE OF WRIT BY TWO DOLLARS IN 2010 AND TWO DOLLARS IN 2011.

Sec. 9. Section 28-3396, Arizona Revised Statutes, is amended to read:  
28-3396. Court diversion fee

A. The presiding judge of each court shall:

1. Set the amount of the court diversion fee that an individual who attends a defensive driving school may be assessed.

2. ASSESS A FORTY-FIVE DOLLAR SURCHARGE IF AN INDIVIDUAL ATTENDS A DEFENSIVE DRIVING SCHOOL.

~~2-~~ 3. Immediately inform the supreme court in writing of the amount of the court diversion fee that is established for the court and the total cost to attend a defensive driving school.

~~3-~~ 4. Immediately inform the supreme court in writing of any changes in the total cost to attend a defensive driving school.

B. Payment of the court diversion fee AND SURCHARGE is in lieu of payment of a civil penalty or criminal fine AND ANY SURCHARGE that ~~is~~ ARE imposed for a traffic violation.

C. The driving school shall collect the court diversion fee AND SURCHARGE before or at the time an individual attends the school. On receipt of the diversion fee, the defensive driving school shall transmit the fee promptly to the appropriate court pursuant to procedures prescribed by the Supreme Court. ON RECEIPT OF THE SURCHARGE, THE DEFENSIVE DRIVING SCHOOL SHALL TRANSMIT THE SURCHARGE PROMPTLY TO THE STATE TREASURER FOR DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE PUBLIC SAFETY AND CRIMINAL JUSTICE FUND ESTABLISHED BY SECTION 41-705.

Sec. 10. Section 38-810, Arizona Revised Statutes, as amended by Laws 2008, chapter 80, section 10, is amended to read:

38-810. Contributions

A. Each member shall contribute to the fund an amount equal to seven per cent of the member's gross salary. Contributions of members shall be made by payroll deductions. Every member is deemed to consent to these deductions. Payment of a member's compensation, less these payroll deductions, constitutes a full and complete discharge and satisfaction of all claims and demands by the member relating to remuneration for the member's services rendered during the period covered by the payment, except with respect to the benefits provided under the plan.

B. The fund manager's office shall be credited monthly with monies collected pursuant to section 12-119.01, subsection B, paragraph 2, section 12-120.31, subsection D, paragraph 2, section 12-284.03, subsection A, paragraph 6, SECTION 22-281, SUBSECTION C, PARAGRAPH 3 and section 41-178. The monies credited to the fund pursuant to this subsection shall be

1 deposited in the fund on a monthly basis, and there shall be a complete  
2 accounting of the determination of these monies deposited in the fund.

3 C. As determined by actuarial valuations performed by the plan's  
4 actuary, each employer shall make level per cent compensation contributions  
5 sufficient under the actuarial valuation to meet both the normal cost plus  
6 the actuarially determined amount required to amortize the unfunded accrued  
7 liability over, beginning July 1, 2005, a rolling period of at least twenty  
8 and not more than thirty years that is established by the fund manager taking  
9 into account the recommendation of the plan's actuary, except that, beginning  
10 with fiscal year 2006-2007, the employer contribution rate shall not be less  
11 than ten per cent of salary. The monies deposited in the fund pursuant to  
12 subsection B of this section shall be used to reduce the contributions  
13 required of state and county employers only. Employers that entered the  
14 system under a joinder agreement shall also contribute an amount equal to the  
15 unfunded accrued liability for that employer. The unfunded liability for  
16 each new employer shall be actuarially determined by the plan's actuary as of  
17 the effective date of participation of each employer and shall be payable on  
18 the effective date of participation. The minimum employer contribution that  
19 is paid and that is in excess of the normal cost plus the actuarially  
20 determined amount required to amortize the unfunded accrued liability as  
21 calculated pursuant to this subsection shall be used to reduce future  
22 employer contribution increases and shall not be used to pay for an increase  
23 in benefits that are otherwise payable to members. The fund manager shall  
24 separately account for these monies in the fund. After the close of any  
25 fiscal year, if the plan's actuary determines that the actuarial valuation of  
26 the fund contains excess valuation assets and is more than one hundred per  
27 cent funded, the fund manager shall account for fifty per cent of the excess  
28 valuation assets in a stabilization reserve account. After the close of any  
29 fiscal year, if the plan's actuary determines that the actuarial valuation of  
30 the fund has a valuation asset deficiency and an unfunded actuarial accrued  
31 liability, the fund manager shall use any valuation assets in the  
32 stabilization reserve account, to the extent available, to limit the decline  
33 in the fund's funding ratio to not more than two per cent.

34 D. The department of administration and the treasurer of each county  
35 and participating city and town shall transfer to the fund manager the  
36 contributions provided for in subsections A and C of this section within ten  
37 working days after each payroll date. The state, county treasurers and  
38 clerks of the superior court shall transfer the monies credited under  
39 subsection B of this section to the fund manager on or before the fifteenth  
40 day of each calendar month that follows the month in which the court fees  
41 were collected. Contributions and monies credited under subsection B of this  
42 section and transferred after these dates shall include a penalty equal to  
43 ten per cent ~~per annum~~ A YEAR, compounded annually, for each day that the  
44 contributions or monies credited under subsection B of this section are late.  
45 Delinquent payments due under this subsection, together with interest charges

1 as provided in this subsection and court costs, may be recovered by action in  
2 a court of competent jurisdiction against the person or persons responsible  
3 for the payments or, at the request of the fund manager, may be deducted from  
4 any other monies including excise revenue taxes payable to a political  
5 subdivision by any department or agency of this state. If requested by the  
6 fund manager, the state, county treasurers or clerks of the superior court  
7 shall transfer the monies credited under subsection B of this section, in an  
8 amount determined by the fund manager, directly to the qualified governmental  
9 excess benefit arrangement established pursuant to section 38-803.01.

10 E. The employer shall pay the member contributions required of  
11 members on account of compensation earned after August 7, 1985. The paid  
12 contributions shall be treated as employer contributions for the purpose of  
13 determining tax treatment under the United States internal revenue code. The  
14 effective date of the employer payment shall not be before the date the  
15 retirement plan has received notification from the United States internal  
16 revenue service that pursuant to section 414(h) of the United States internal  
17 revenue code the member contributions paid will not be included in gross  
18 income for income tax purposes until the paid contributions are distributed  
19 by refund or pension payments. The employer shall pay the member  
20 contributions from monies established and available in the retirement  
21 deduction account, which monies would otherwise have been designated as  
22 member contributions and paid to the retirement plan. Member contributions  
23 paid pursuant to this subsection shall be treated for all other purposes, in  
24 the same manner and to the same extent, as member contributions made before  
25 August 7, 1985.

26 Sec. 11. Title 41, chapter 4, article 1, Arizona Revised Statutes, is  
27 amended by adding section 41-705, to read:

28 41-705. Public safety and criminal justice fund

29 A. THE PUBLIC SAFETY AND CRIMINAL JUSTICE FUND IS ESTABLISHED  
30 CONSISTING OF SURCHARGES COLLECTED PURSUANT TO SECTION 28-3396 AND MONIES  
31 APPROPRIATED BY THE LEGISLATURE. THE DEPARTMENT OF ADMINISTRATION SHALL  
32 ADMINISTER THE FUND. MONIES IN THE FUND SHALL BE DISTRIBUTED AS FOLLOWS:

33 1. THE FIRST THREE MILLION DOLLARS RECEIVED EACH FISCAL YEAR AS A  
34 CONTINUING APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY FOR HIGHWAY  
35 PATROL PERSONNEL. A TOTAL OF 19 FULL-TIME EQUIVALENT POSITIONS ARE  
36 APPROPRIATED. MONIES APPROPRIATED PURSUANT TO THIS PARAGRAPH ARE EXEMPT FROM  
37 THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

38 2. ALL OTHER MONIES IN THIS FUND EACH FISCAL YEAR SHALL BE SPENT ON  
39 PUBLIC SAFETY AND CRIMINAL JUSTICE PROJECTS AND THE DEPARTMENT OF  
40 ADMINISTRATION SHALL SUBMIT AN EXPENDITURE PLAN FOR REVIEW BY THE JOINT  
41 LEGISLATIVE BUDGET COMMITTEE PRIOR TO EXPENDITURE OF ANY MONIES NOT  
42 PREVIOUSLY REVIEWED BY THE COMMITTEE.

1           B. ON NOTICE FROM THE DEPARTMENT OF ADMINISTRATION, THE STATE  
2 TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION  
3 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

4           C. FUND MONIES:

5           1. DO NOT REVERT TO THE STATE GENERAL FUND.

6           2. ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO  
7 LAPSING OF APPROPRIATIONS.

8           3. ARE SUBJECT TO LEGISLATIVE APPROPRIATION.

9           Sec. 12. Section 41-1771, Arizona Revised Statutes, is amended to  
10 read:

11           41-1771. Scientific criminal analysis section; crime laboratory  
12 services

13           A. There shall be a scientific criminal analysis section, staffed by a  
14 superintendent and other necessary personnel, and established for the purpose  
15 of giving assistance to the officers of the state charged with law  
16 enforcement.

17           B. THE DEPARTMENT MAY CHARGE ANOTHER LAW ENFORCEMENT AGENCY FOR ANY  
18 CRIME LABORATORY SERVICES PERFORMED ON BEHALF OF THE AGENCY.

19           Sec. 13. Laws 2000, chapter 193, section 598, as amended by Laws 2001,  
20 chapter 8, section 2, Laws 2002, chapter 291, section 17, Laws 2004, chapter  
21 69, section 5 and Laws 2006, chapter 369, section 12, is amended to read:

22           Sec. 598. Effective date

23           ~~A. Section 12-116, Arizona Revised Statutes, as amended by Laws 1999,~~  
24 ~~chapter 175, section 6, Laws 2000, chapter 193, section 94, Laws 2004,~~  
25 ~~chapter 69, section 3 and this act is effective from and after December 31,~~  
26 ~~2009.~~

27           ~~B.~~ A. Section 42-1201, Arizona Revised Statutes, as amended by Laws  
28 1999, chapter 250, section 7 and this act is effective from and after  
29 December 31, 2000.

30           ~~C.~~ B. Section 49-203, Arizona Revised Statutes, as amended by Laws  
31 1999, chapter 26, section 5 and this act is effective from and after December  
32 31, 2000.

33           ~~D.~~ C. Section 49-361, Arizona Revised Statutes, as amended by Laws  
34 1999, chapter 26, section 17 and this act is effective from and after  
35 December 31, 2000.

36           Sec. 14. Laws 2000, chapter 193, section 599, as amended by Laws 2001,  
37 chapter 8, section 3, Laws 2002, chapter 291, section 18, Laws 2004, chapter  
38 69, section 6 and Laws 2006, chapter 369, section 13, is amended to read:

39           Sec. 599. Delayed repeal

40           ~~A. Section 12-116, Arizona Revised Statutes, as amended by Laws 1997,~~  
41 ~~chapter 79, section 7, Laws 2000, chapter 193, section 93, Laws 2004, chapter~~  
42 ~~69, section 2 and this act is repealed from and after December 31, 2009.~~

43           ~~B.~~ A. Section 42-1201, Arizona Revised Statutes, as amended by Laws  
44 1998, chapter 1, section 144 and this act is repealed from and after December  
45 31, 2000.

1        ~~C.~~ B. Section 49-203, Arizona Revised Statutes, as amended by Laws  
2 1996, chapter 194, section 5, chapter 351, section 39 and this act is  
3 repealed from and after December 31, 2000.

4        Sec. 15. State department of corrections budget structure

5        Notwithstanding any other law, the state department of corrections  
6 shall report actual fiscal year 2007-2008, estimated fiscal year 2008-2009  
7 and requested fiscal year 2009-2010 expenditures for each line item  
8 delineated in the fiscal year 2008-2009 general appropriations act when the  
9 department submits the fiscal year 2009-2010 budget request pursuant to  
10 section 35-113, Arizona Revised Statutes. The information submitted for each  
11 line item shall contain as much detail as submitted in previous years for  
12 prior line items.

13        Sec. 16. Criminal justice enhancement fund; state general fund  
14 deposit; crime laboratory assessment fund

15        Notwithstanding any other law, for fiscal year 2008-2009, any monies  
16 distributed from the criminal justice enhancement fund pursuant to section  
17 41-2401, subsection D, paragraph 11, Arizona Revised Statutes, shall be  
18 deposited in the crime laboratory assessment fund established by section  
19 41-2415, Arizona Revised Statutes. Notwithstanding section 41-2415,  
20 subsection C, Arizona Revised Statutes, monies distributed by this section  
21 pursuant to section 41-2401, subsection D, paragraph 11, Arizona Revised  
22 Statutes, are for use by the department of public safety and are exempt from  
23 distribution to political subdivisions.

24        Sec. 17. Justices of the peace; payment of compensation; fiscal  
25 year 2007-2008

26        Notwithstanding section 22-117, subsection B, Arizona Revised Statutes,  
27 for fiscal year 2008-2009, the state shall pay 38.5 per cent of the  
28 compensation and employee-related expenditures of a justice of the peace and  
29 the county shall pay 61.5 per cent of the compensation and employee-related  
30 expenditures of a justice of the peace, except that the county shall pay the  
31 full amount of the employer contribution of the state retirement system or  
32 plan or any county health plan.

33        Sec. 18. Consumer fraud revolving fund; attorney general; use

34        Notwithstanding section 44-1531.01, subsection C, Arizona Revised  
35 Statutes, for fiscal year 2008-2009, the attorney general may use monies in  
36 the consumer fraud revolving fund established by section 44-1501.01, Arizona  
37 Revised Statutes, for expenses associated with the tobacco master settlement  
38 arbitration.

39        Sec. 19. Distribution of state or federal monies

40        Any distribution or allocation of state or federal monies by an agency  
41 board, commission or department of the this state, to law enforcement,  
42 prosecution, courts or other criminal justice agencies, shall be distributed,  
43 allocated, or awarded on a proportional basis based on a consideration of  
44 population and crime rates for the applicant's jurisdiction. When agencies of  
45 different jurisdictional types compete for the same allocation or award of

1 funding, county population and crime rates shall be considered in making  
2 awards among county level agencies and city and town populations and crime  
3 rates shall be used to make awards to cities and towns. Population estimates  
4 for the most recent calendar year published by the department of economic  
5 security and the number of crimes reported per 100,000 persons, as published  
6 by the department of public safety or the federal bureau of investigation  
7 shall be used to make such proportionately based distributions, allocations  
8 or awards.